

Dkt. 60772-PCT-US/JPW/GJG/DJK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Rina Aharoni et al.
U.S. Serial No.: 09/768,872 Examiner: P. Vander Vegt
Filed : January 23, 2001 Group Art Unit: 1644
For : TREATMENT OF AUTOIMMUNE CONDITIONS WITH
COPOLYMER 1 AND RELATED COPOLYMERS

1185 Avenue of the Americas
New York, New York 10036
October 22, 2003

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
AND PETITION FOR SECOND AND THIRD MONTH EXTENSION OF TIME**

Applicants hereby appeal to the Board from the decision of the Examiner mailed April 22, 2003 finally rejecting the pending claims 1-4 in connection with the above-identified application.

A response to the April 22, 2003 Final Office Action was originally due July 22, 2003. On August 22, 2003 applicants filed an Amendment, *inter alia*, canceling rejected claims 1-4, and a petition for a one month extension along with the required \$110.00 fee for the one-month extension of time. On October 15, 2003, the Examiner issued an Advisory Action alleging that the applicants' August 22, 2003 Amendment was not responsive for failing to indicate the status of canceled claims 47-156 and refused to enter the August 22, 2003 Amendment. On October 17, 2003 applicants filed a Substitute Amendment by facsimile to clearly specify that claims 47-156

10/27/2003 EFLORES 00000091 033125 09768872
01 FC:1401 330.00 OP

10/27/2003 EFLORES 00000091 033125 09768872
02 FC:1253 10.00 DA 830.00 OP

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had been canceled. However, during an October 20, 2003 telephone conference between Examiner P. Vander Vegt and David J. Kerwick of the undersigned attorney's law firm, Examiner Vander Vegt informed Mr. Kerwick that the October 17, 2003 Substitute Amendment was being processed and that the Examiner was unlikely to receive and consider the Substitute Amendment prior to the October 22, 2003 deadline for responding to the April 22, 2003 Office Action. Examiner Vander Vegt therefore recommended that applicants file a Notice of Appeal to provide the Examiner additional time to consider the Substitute Amendment.

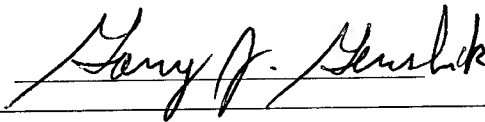
Accordingly, applicants are filing this Notice of Appeal and also petition for a second and third month extension of time to bring the subject application into pending status on the date of filing of this Notice of Appeal. Specifically, a response to the April 22, 2003 Final Office Action was due July 22, 2003. With a three month extension of time, a response to the April 22, 2003 Final Office Action is due October 22, 2003. The fee for a three month extension of time is \$950.00. However, applicants have previously paid \$110.00 for a one month extension of time. Accordingly, the fee for the second and third month extension is deemed to be \$840.00, i.e. the difference between the three-month extension fee and the previously paid one-month extension fee, and a check including this amount is enclosed. Therefore, a response to the April 22, 2003 Office Action is now due October 22, 2003 and this Notice of Appeal is being timely filed.

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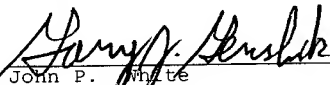
The required fee for filing a Notice of Appeal under 37 C.F.R. §1.17(b) for a large entity is \$320.00, which amount is also included in the enclosed check.

A check in the amount of \$1160.00 is enclosed to cover the \$320.00 fee for filing a Notice of Appeal and the \$840.00 for the two month extension. No other fee is deemed necessary in connection with the filing of this Notice. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents
Washington, DC 20231
BOX AF


John P. White
Reg. No. 28,678
Gary J. Gershik
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Date

10/22/03

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